

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:20-cv-00954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and
VITAL MANAGEMENT
SERVICES, INC.,

Defendants.

**PLAINTIFF'S RESPONSE TO
DEFENDANTS' MOTION FOR
PRE-TRIAL HEARING
(ECF No. 389)**

Plaintiff Farhad Azima hereby responds to the Motion of Defendants Nicholas Del Rosso and Vital Management Services, Inc., for Pre-Trial Hearing, ECF No. 389, to provide further clarity regarding Plaintiff's position.

Plaintiff does not oppose a pre-trial hearing, but submits that resolution of several unresolved discovery disputes is necessary and appropriate before that hearing. For example, Defendants' appeal of the Special Master's Report & Decision #1 remains unresolved. That Decision required RAK to appear to assert any purported privilege. *See* ECF No. 316. That appeal is currently pending before this Court. The outcome of that appeal could result in the production of thousands of documents that Plaintiff asserts have been improperly withheld for privilege by Defendants and other third parties and will almost certainly lead to additional disputes about privilege that have gone unresolved. In Reports & Decisions Nos. 1, 6, and 10, the Special Master also ordered additional documents to be produced, supplemental responses to

Plaintiff's Interrogatory No. 1, and the continued deposition of a witness, the results of which could each impact the Court's consideration of summary judgment. Plaintiff therefore submits that the resolution of the outstanding discovery disputes would lead to a more effective pre-trial hearing on issues directly related to the trial rather than involve discovery disputes that will necessarily need to be resolved before trial.

This, the 24th day of July, 2024.

WOMBLE BOND DICKINSON (US) LLP

/s/ Ripley Rand

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CERTIFICATE OF WORD COUNT

The undersigned certifies compliance with Local Rule 7.3(d) regarding length limitations. This memorandum contains fewer than 6,250 words. The undersigned has relied on the word count feature of Microsoft Word 365 in making this certification.

/s/ *Ripley Rand*

Ripley Rand
Counsel for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of this Notice to the following attorneys:

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This, the 24th day of July, 2024.

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